

REMARKS

Claims 41-112 are pending in this application. The Office Action objected to the specification. Claims 86-88 and 110-112 stand rejected under 35 U.S.C. § 112, second paragraph. In addition, claims 41-112 stand rejected for obviousness-type double-patenting. Applicants respectfully request reconsideration of the present claims in view of the following remarks. Applicant believes the claims are in condition for allowance and notice to that effect is earnestly solicited.

Specification

The first paragraph of the specification has been amended to address the objection made in the Office Action. In addition to the text suggested in the Office Action, the amended paragraph recites that "application Serial No. 08/014,176, filed February 5, 1993, now U.S. Patent 5,437,554" is incorporated by reference. No new matter has been added.

Claim Amendments

Applicants have amended claims 88 and 110 to correct an informality. The claims have also been amended to replace the term "resolver" with the term "evaluator." No new matter has been added.

Claim Rejections under 35 U.S.C. § 112, second paragraph

Claims 86-88 and 110-112 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Office Action stated that the antecedent basis for "the second scoring rate" and "the first scoring rate" has not been clearly set forth in claims 86 and 110. Claims 87-88 and 111-112 were rejected for incorporating these errors from their respective parent claims by dependency.

Applicant respectfully traverses this rejection. Claims 86 and 110 have been amended to provide proper antecedent basis for "the second scoring rate" and "the first scoring rate".

Applicants respectfully submit that the claims meet the requirements of section 112, second paragraph, and respectfully request reconsideration and withdrawal of this rejection.

Double-Patenting Rejections

Claims 41-112 stand rejected under the judicially created doctrine of obviousness-type double-patenting. Claims 41-64 stand rejected as being unpatentable over claims 1-24 of U.S. Patent No. 6,193,521 B1 in view of U.S. Pat. No. 4,785,472 to Shapiro. Claims 65-88 stand rejected as being unpatentable over claims 25-48 of U.S. Patent No. 6,193,521 B1. Claims 89-112 stand rejected as being unpatentable over claims 1-24 of U.S. Patent No. 5,718,591.

Applicants have submitted with this response a Terminal Disclaimer that disclaims the terminal part of the statutory term of any patent granted on the above-identified application that would extend beyond the expiration date of the full statutory term of U.S. Patent Nos. 5,718,591 and 6,193,521. Applicants note that U.S. Patent No. 6,192,521 is subject to a terminal disclaimer that disclaims the terminal part of the statutory term of the '521 patent that would extend beyond the expiration date of the full statutory term of U.S. Patent Nos. 5,437,554 and 5,718,591.

In view of the submission of the Terminal Disclaimer in this matter, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 41-112 for double patenting.

Appl. No. 10/690,488
Amdt. dated May 13, 2004
Reply to Office Action of April 6, 2004

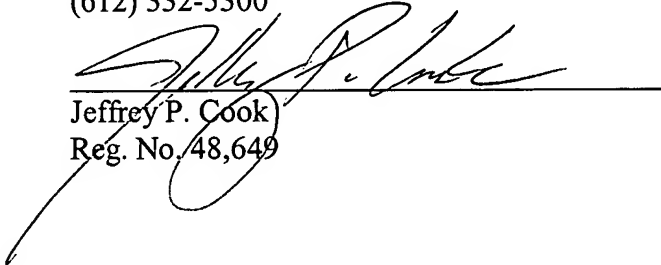
Summary

In view of the above amendments and remarks, Applicant respectfully requests a Notice of Allowance. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,

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